

The Gazette of India

PUBLISHED BY AUTHORITY

No. 25] NEW DELHI, SATURDAY, DECEMBER 20, 1952

PART II—Section 2

Bills and Reports of Select Committees on Bills

HOUSE OF THE PEOPLE

The following Bills were introduced in the House of the People on 12th December, 1952:—

BILL No. 129 OF 1952

A Bill to amend the Industries (Development and Regulation) Act, 1951.

BE it enacted by Parliament as follows:—

1. Short title and commencement.—(1) This Act may be called the Industries (Development and Regulation) Amendment Act, 1952.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Omission of section 4, Act LXV of 1951.—In the Industries (Development and Regulation) Act, 1951 (hereinafter referred to as the principal Act), section 4 shall be omitted.

3. Amendment of section 10, Act LXV of 1951.—In section 10 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) The owner of every existing industrial undertaking, not being the Central Government, shall, within such period as the Central Government may, by notification in the Official Gazette, fix in this behalf with respect to industrial undertakings generally or with respect to any class of them, register the undertaking in the prescribed manner.

Explanation.—For the purposes of this sub-section, the expression “existing industrial undertaking” means—

(a) in the case of an industrial undertaking pertaining to any of the industries specified in the Schedule as originally enacted, an industrial undertaking which was in existence on the commencement of this Act or for the establishment of which effective steps had been taken before such commencement, and

(b) in the case of an industrial undertaking pertaining to any of the industries added to the Schedule by an amendment thereof, an industrial undertaking which is in existence on the coming into force of such amendment or for the establishment of which effective steps have been taken before the coming into force of such amendment."

4. Insertion of new section 10A in Act LXV of 1951.—After section 10 of the principal Act, the following section shall be inserted, namely:—

"10A. *Revocation of registration in certain cases.*—If the Central Government is satisfied that the registration of any industrial undertaking has been obtained by misrepresentation as to an essential fact or that any industrial undertaking has ceased to be registrable under this Act by reason of any exemption granted under this Act becoming applicable thereto or that for any other reason the registration has become useless or ineffective and therefore requires to be revoked, the Central Government may revoke the registration."

5. Substitution of new section for section 13 in Act LXV of 1951.—For section 13 of the principal Act, the following section shall be substituted, namely:—

"13. *Further provision for licensing of industrial undertakings in special cases.*—(1) No person or authority, other than the Central Government, shall

(a) in the case of an industrial undertaking required to be registered under section 10, but which has not been registered within the time fixed for the purpose under that section, carry on the business of that undertaking after the expiry of such period, or

(b) in the case of an industrial undertaking to which the provisions of this Act did not originally apply but became applicable after the commencement of this Act for any reason, carry on the business of the undertaking after the expiry of three months from the date on which the provisions of this Act became so applicable, or

(c) effect any substantial expansion of an industrial undertaking which has been registered, or

(d) change the location of the whole or any part of an industrial undertaking which has been registered,

except under, and in accordance with, a licence issued in that behalf by the Central Government, and, in the case of a State Government, except under, and in accordance with, the previous permission of the Central Government.

(2) The provisions of sections 11 and 12 shall apply, so far as may be, in relation to the grant of licences or permissions to any industrial undertaking referred to in this section as they apply in relation to the grant of licences or permissions to a new industrial undertaking.

Explanation.—For the purposes of this section, "substantial expansion" means the expansion of an existing industrial undertaking which is of such a nature as to amount virtually to a new industrial under-

taking, but does not include any such expansion as is normal to the undertaking having regard to its nature and the circumstances relating to such expansion."

6. Omission of section 23, Act LXV of 1951.—Section 23 of the principal Act shall be omitted.

7. Amendment of section 24, Act LXV of 1951.—In section 24 of the principal Act, in sub-section (1), for the words, brackets and figures "or of sub-section (1) of section 11 read with section 13", the words, brackets and figures "or of sub-section (1) of section 18" shall be substituted.

8. Substitution of new section for section 28, Act LXV of 1951.—For section 28 of the principal Act, the following section shall be substituted, namely :—

"28. *Power to exempt in special cases.*—If the Central Government is of opinion, having regard to the smallness of the number of workers employed or to the amount invested in any industrial undertaking or to the desirability of encouraging small undertakings generally or having regard to the stage of development of any scheduled industry, that it would not be in the public interest to apply all or any of the provisions of this Act thereto, it may, by notification in the Official Gazette, exempt, subject to such conditions as it may think fit to impose, any industrial undertaking or class of industrial undertakings or any scheduled industry or class of scheduled industries as it may specify in the notification from the operation of all or any of the provisions of this Act or of any rules made thereunder."

9. Amendment of First Schedule, Act LXV of 1951.—In the First Schedule to the principal Act,—

(a) (i) for item (5), the following item shall be substituted, namely :—

"(5) Mathematical, surveying, drawing and other scientific instruments";

(ii) for item (10), the following item shall be substituted, namely :—

"(10) textiles—

(a) made wholly or in part of cotton, including cotton yarn, hosiery and rope,

(b) made wholly or in part of jute, including jute yarn, twine and rope,

(c) made of wool including woollen yarn, hosiery, carpets and druggets,

(d) made of silk.

(e) made of artificial silk, including artificial silk yarn";

(iii) in item (16), the word 'heavy', shall be omitted ;

(iv) to item (20), the following words shall be added at the end, namely :—

“and semi-manufactures thereof”;

(v) in item (21), for the words “and paper board”, the words “paper board and straw board” shall be substituted ;

(vi) for items (25) and (26), the following items shall be substituted, namely :—

“(25) Leather, leather goods and pickers ;

(26) Glue and gelatine”;

(vii) in item (30), the words “and parts thereof” shall be omitted;

(viii) after item (37), the following items shall be inserted, namely :—

“(38) Dye stuffs.

(39) Soap.

(40) Plywood.”;

(b) to the First Schedule, the following *Explanations* shall be added, namely :—

Explanation 1.—In item (4), “Iron and steel” shall include any manufactured product of iron and steel.

Explanation 2.—In items (1), (7), (9), (11), (13), (17), (29), (30), (32), (33), (34) and (35), the article specified therein shall include any of their component parts also’.

STATEMENT OF OBJECTS AND REASONS

The Industries (Development and Regulation) Act, 1951, came into force on the 8th May, 1952. In the course of the working of this Act, certain practical difficulties have come to light and the object of this Bill is mainly to remove those difficulties.

2. Some of those difficulties are :—

(a) the period allowed under section 10 of the Act for the registration of undertakings has not been found to be adequate in actual practice, and therefore requires to be extended;

(b) while powers are available in the existing Act to revoke licences in certain cases, no such powers are available for the revocation of registration where it is necessary to do so;

(c) the provisions relating to licensing are not complete inasmuch as they do not apply to—

(i) industrial undertakings which though required to be registered are not registered within the time limited for the purpose;

(ii) industrial undertakings which though not registrable at the commencement of the Act become registrable subsequently by reason of the definitions in the Act becoming applicable thereto;

(iii) industrial undertakings proposing to change their location.

3. Certain items in the First Schedule are not sufficiently descriptive so as to include all important sections of the industries concerned and they are now being clarified.

4. Opportunity is also taken to remove a doubt which may arise by reason of the phraseology of section 4 which says that nothing in the Act shall apply to industrial undertakings of which the capital invested does not exceed rupees one lakh. This provision is liable to be misconstrued to mean that even the declaration contained in section 2 is inapplicable to such undertakings. It is also difficult to define "capital invested" suitably for the purpose of this Act. It is therefore proposed to omit section 4, and wherever necessary, exemptions would be granted under the new section 28 to any undertakings or scheduled industries. Incidentally, five more important industries, namely, the silk, the artificial silk, the dye-stuff, the soap and the plywood industries are being added to the Schedule.

T. T. KRISHNAMACHARI.

NEW DELHI;

The 29th November, 1952.

BILL* No. 128 OF 1952

A Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1952-53.

Be it enacted by Parliament as follows:—

1. Short title.—This Act may be called the Appropriation (No. 3) Act, 1952.

2. Issue of Rs. 10,36,10,000 out of the Consolidated Fund of India for the year 1952-53.—From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of ten crores, thirty-six lakhs and ten thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1952-53 in respect of the services specified in column 2 of the Schedule.

3. Appropriation.—The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purpose, expressed in the Schedule in relation to the said year.

*The President has, in pursuance of clauses (1) and (3) of article 117 of the Constitution of India, recommended to the House of the People the introduction and consideration of the Bill.

THE SCHEDULE

(See sections 2 and 3)

1	2	3		
No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
5	Ministry of Communications . . .	83,000	..	83,000
23	External Affairs	23,16,000	..	23,16,000
23-A	Chandernagore	21,86,000	..	21,86,000
30	Stamp	15,50,000	..	15,50,000
32	Audit	4,72,000	..	4,72,000
40	Prepartition Payments	98,30,000	..	98,30,000
48	Civil Veterinary Services	1,13,000	..	1,13,000
49	Miscellaneous Expenditure under the Ministry of Food and Agriculture.	4,55,35,000	..	4,55,35,000
58	Census	5,00,000	..	5,00,000
70	Ministry of Natural Resources and Scientific Research.	1,54,000	..	1,54,000
78	Ministry of Rehabilitation	65,000	..	65,000
79	Expenditure on Displaced Persons	1,22,70,000	..	1,22,70,000
83	Kutch	12,29,000	..	12,29,000
84	Bilaspur	5,48,000	..	5,48,000
85	Manipur	4,81,000	..	4,81,000
86	Tripura	10,44,000	..	10,44,000
87	Relation with States.	4,63,000	..	4,63,000
88	Miscellaneous Expenditure under the Ministry of States.	11,62,000	..	11,62,000
95	Ministry of Works, Production and Supply.	1,95,000	..	1,95,000
100	Stationery and Printing	47,00,000	..	47,00,000

1	2	3		
No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
101	Miscellaneous Departments and Expenditure under the Ministry of Works, Production and Supply.	50,00,000	..	50,00,000
	<i>Charged—Staff, Household and Allowances of the President.</i>	..	20,000	20,000
118	Other Capital Outlay of the Ministry of Food and Agriculture.	1,36,93,000	..	1,36,93,000
132	Other Capital Outlay of the Ministry of Works, Production and Supply.	1,000	..	1,000
	TOTAL	10,38,90,000	20,000	10,36,10,000

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of article 114(1) of the Constitution of India, read with article 115 thereof, to provide for the appropriation out of the Consolidated Fund of India of the moneys required to meet the supplementary expenditure charged on the Consolidated Fund and the grants made by Parliament for expenditure of the Central Government, excluding Railways, for 1952-53.

NEW DELHI;

The 2nd December, 1952.

MAHAVIR TYAGI.

M. N. KAUL,
Secretary.

